

Appln. No. 09/819,400
Amdt. dated September 20, 2004
Reply to Office Action of June 30, 2004

REMARKS/ARGUMENTS

Reconsideration of the present application, as amended, is respectfully requested.

The June 30, 2004 Office Action and the Examiner's comments have been carefully considered. In response, claims are added, and remarks are set forth below in a sincere effort to place the present application in form for allowance. The amendments are supported by the application as originally filed. Therefore, no new matter is added.

ELECTION/RESTRICTION

In the June 30, 2004 Office Action the Examiner indicates that the application as filed contains claims directed to two patentably distinct inventions. Applicant hereby affirms the election of Species A, claims 1-20, previously withdrawn, and now set forth in claims 39-48, which correspond to original claims 1-5 and 11-15.

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NON-RESPONSIVE AMENDMENT

In the June 30, 2004 Office Action, the Examiner indicates that the Amendment filed on April 14, 2004 is non-responsive as it presented only claims drawn to a non-elected invention.

It is acknowledged that the Examiner has withdrawn previously submitted claims 21-38. Claims 21-38 are now cancelled. New claims 39-48 presented in this Amendment correspond to original claims 1-5 and 11-15 which were provisionally elected on December 4, 2003, the election having been affirmed in the Amendment filed April 14, 2004.

In view of the cancellation of claims 21-38 and the presentation of new claims 39-48, this Amendment is directed to the invention originally elected by the Applicant.

For the reasons set forth below, new claims 39-48 are patentable over the cited references as set forth in the December 16, 2003 Office Action.

CLAIM OBJECTIONS

In the December 16, 2003 Office Action claims 1-5 and 11-15 are objected to under 37 CFR 1.75(a). In response, new claims 39-48 have been drafted in a sincere effort to overcome the claim objections.

REJECTION UNDER 35 USC 112

In the December 16, 2003 Office Action claims 1-5 and 11-15 are rejected under the second paragraph of 35 USC 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

In response, new claims 39-48 have been drafted in a sincere effort to address each of the reasons for rejection under 35 USC 112 set forth in the December 16, 2003 Office Action.

PRIOR ART REJECTIONS

In the December 16, 2003 Office Action claims 1-3, 5, 11-13 and 15 are rejected under 35 USC 102(b) as being anticipated by USP 5,270,530 (Godlewski et al.). Claims 4 and 14 are rejected under 35 USC 103 as being unpatentable over Godlewski et al.

As explained above, claims 1-20 were previously cancelled, claims 21-38 are cancelled herein, and claims 39-48 are added to the present application (claims 39-48 corresponding to original claims 1-5 and 11-15).

The present claimed invention as defined by claim 39 is directed to an image processing apparatus including an image

processing condition memorizing means which memorizes each of a plurality of image processing conditions corresponding to each body part of an object, each radiographing orientation, or each combination of body parts and radiographing orientations, and discriminating means which discriminates at least one of a body part of the object and a radiographing orientation for a radiation image formed by the radiation image forming means by processing image data of the radiation image, see Figs. 6(a) to 8(b). When the discriminating means discriminates at least one of a body part of the object and a radiographing orientation, the image processing condition selecting means reads out a plurality of image processing conditions from the image processing condition memorizing means on the basis of a discrimination result obtained by the discrimination means. Then, the image processing condition selecting means controls the display means to display the plurality of image processing conditions and/or the processed images one by one on a screen (for example, as shown in Figs. 13 and 14 of the present application) or at one time on the same screen (for example, as shown in Fig. 15) (see the present application at page 69, line 1 to page 74, line 3). As a result, a user can select a desired image processing

condition from the plurality of image processing conditions and/or the processed images displayed on the display means.

Accordingly, since the image processing apparatus of the present claimed invention forms a radiation image by the radiation image forming means and displays a plurality of image processing conditions corresponding to a discriminated body part, a user can select a desired image processing condition without a troublesome operation (see the present application at page 74, lines 4 to 13).

Godlewski et al. merely teach a work station operable in manual or pass-through mode. Godlewski et al. do not disclose, teach or suggest a technique to discriminate at least one of a body part of the object and a radiographing orientation for a radiation image by processing the image data of the radiation image (see claim 39, lines 6-9). Although the Examiner points to col. 4, lines 24-28 of Godlewski et al., this portion of the reference merely teaches reading a bar code to obtain information on things such as a body part, or x-ray exposure conditions on such a portion.

Further, Godlewski et al. do not disclose, teach or suggest image processing condition memorizing means which memorizes each of a plurality of image processing conditions corresponding to

each body part of an object or each radiographing orientation (see claim 39, lines 10-14) and image processing condition selecting means which reads out a plurality of image processing conditions from the image processing condition memorizing means on the basis of a discrimination result obtained by the discriminating means, and then controls the display means to display the plurality of image processing conditions and/or the processed images one by one on a screen or at one time on the same screen (see claim 39, lines 17-31).

None of the other references of record close the gap between the present claimed invention as defined by claim 39 and Godlewski et al. Therefore, claim 39 is patentable over Godlewski et al. and the other references of record when taken either alone under 35 USC 102 or in combination under 35 USC 103.

Claims 40-43 are either directly or indirectly dependent on claim 39 and are patentable over the cited references in view of their dependence on claim 39 and because the references do not disclose, teach or suggest each of the limitations set forth in claims 40-43.

Claim 44 is a method claim which corresponds to claim 39. Claim 44 is patentable over the cited references for reasons, inter alia, set forth above in connection with claim 39.

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Claims 45-48 are either directly or indirectly dependent on claim 44 and are patentable over the cited references in view of their dependence on claim 44 and because the references do not disclose, teach or suggest each of the limitations set forth in claim 44.

CLAIM FEE

It is respectfully believed that no additional fees are due for the presentation of claims 39-48 in view of the cancellation of claims 1-38 in the present application. However, if any additional fees are due, please charge our Deposit Account No. 06-1378 for such sum.

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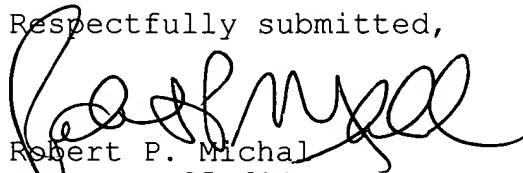
If the Examiner disagrees with any of the foregoing, the Examiner is respectfully requested to point out where there is support for a contrary view.

Entry of this Amendment, allowance of the claims, and the passing of this application to issue are respectfully solicited.

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If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

Respectfully submitted,



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Encl.: Petition For Extension of Time